

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**EDUARDO SURIA CARMONA  
ZULMAN BRUNILDA ORTIZ MORALES**

**DEBTOR(S)**

**CASE NO. 09-03740 ESL**

**CHAPTER 13**

**NOTICE OF FILING THE THIRD PRE-CONFIRMATION  
CHAPTER 13 PLAN DATED OCTOBER 14, 2009**

**TO THE HONORABLE COURT:**

**COME(S) NOW** Debtor(s), represented by the undersigned attorney and respectfully represent(s) and as follows:

The pre-confirmation amended **Chapter 13 Plan dated October 14, 2009** is being filed herewith. The amended plan provides:

**a. To clarify treatment to secured creditors.**

**WHEREFORE**, the undersigned Counsel for the herein Debtor(s) respectfully informs this Honorable Court, all creditors and parties in interest, of the filing of the aforementioned plan.

**Twenty-Five-Day Notice To Parties In Interest**

Within **twenty five (25) days** after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to the aforementioned **Amended Plan** with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. *Fed. R. Bankr. P. 2002 (b) and LBR 9013-1.*

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to: Chapter 13 Trustee, and Monsita Lecaroz Arribas, Esq., Assistant U.S. Trustee. Furthermore, I hereby certify that all non CM/ECF participants will be served with an exact copy of this document by regular U.S. mail, postage prepaid, sent to their addresses of record as these appear in the attached master address list.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, October 14, 2009.

**s/JOSE L. JIMENEZ QUINONES**

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United States Bankruptcy Court  
District of Puerto Rico

IN RE:

Case No. 09-03740-13

SURIA CARMONA, EDUARDO & ORTIZ MORALES, ZULMA BRUNILDA

Chapter 13

Debtor(s)

**AMENDED CHAPTER 13 PAYMENT PLAN**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>10/14/09</u>		<input type="checkbox"/> AMENDED PLAN DATED: _____	
<input checked="" type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION		Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
<b>I. PAYMENT PLAN SCHEDULE</b>		<b>II. DISBURSEMENT SCHEDULE</b>	
$\$ \quad 625.00 \times 36 = \$ \quad 22,500.00$		A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____	
$\$ \quad 725.00 \times 12 = \$ \quad 8,700.00$		B. SECURED CLAIMS:	
$\$ \quad 750.00 \times 12 = \$ \quad 9,000.00$		<input type="checkbox"/> Debtor represents no secured claims.	
$\$ \quad \quad \times \quad = \$ \quad \quad$		<input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:	
$\$ \quad \quad \times \quad = \$ \quad \quad$		1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS:	
TOTAL: \$ <u>40,200.00</u>		Cr. <u>DORAL BANK</u> Cr. <u>DORAL BANK</u> Cr. _____	
Additional Payments:		# <u>0085001137</u> # <u>2175 (POC #9)</u> # _____	
\$ _____ to be paid as a LUMP SUM		\$ <u>2,750.00</u> \$ <u>70.00</u> \$ _____	
within _____ with proceeds to come from:		2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims:	
<input type="checkbox"/> Sale of Property identified as follows:		Cr. <u>BANCO BILBAO VIZ</u> Cr. _____ Cr. _____	
_____		# <u>AUTO (POC #10)</u> # _____ # _____	
<input type="checkbox"/> Other:		\$ <u>20,705.45</u> \$ _____ \$ _____	
_____		3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL:	
Periodic Payments to be made other than, and in		Cr. _____ Cr. _____ Cr. _____	
addition to the above:		# _____ # _____ # _____	
\$ _____ x _____ = \$ _____		\$ _____ \$ _____ \$ _____	
PROPOSED BASE: \$ <u>40,200.00</u>		4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder:	
<b>III. ATTORNEY'S FEES</b>		5. <input type="checkbox"/> Other:	
(Treated as § 507 Priorities)		6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to:	
Outstanding balance as per Rule 2016(b) Fee		<u>AMERICAN EDUCAT</u> <u>DORAL BANK</u> <u>See Attached</u>	
Disclosure Statement: \$ <u>1,775.00</u>		C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.	
Signed: <u>/s/ EDUARDO SURIA CARMONA</u>		11 U.S.C. § 507 and § 1322(a)(2)	
Debtor		D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.	
<u>/s/ ZULMA BRUNILDA ORTIZ MORALES</u>		1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____	
Joint Debtor		<input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____	
		Cr. _____ Cr. _____ Cr. _____	
		# _____ # _____ # _____	
		\$ _____ \$ _____ \$ _____	
		2. Unsecured Claims otherwise receive PRO-RATA disbursements.	
		OTHER PROVISIONS: (Exacutory contracts; payment of interest to unsecureds, etc.)	
		See Continuation Sheet	

Attorney for Debtor **JIMENEZ - QUINONES LAW OFFICES**

Phone: **(787) 691-2458**

Debtor(s)

**AMENDED CHAPTER 13 PAYMENT PLAN**

Continuation Sheet - Page 1 of 2

	Cr	#	\$
Debtor Otherwise maintains regular payments directly to:	CARMEN M COFINO		
	DORAL BANK		
Executory Contracts - Assumed:	EUROBANK		

**AMENDED CHAPTER 13 PAYMENT PLAN**

Continuation Sheet - Page 2 of 2

1. THE STAY WAS LIFTED IN FAVOR OF BANCO BILBAO VIZCAYA ARGENTARIA (BBVA) OVER THE OCEAN VIEW, LAJAS PR PROPERTY (ACC. NO. ENDING IN XXX8629, POC # 13), UP TO THE ENTRY OF JUDGEMENT IN THE STATE COURTS. THE COURT RETAINS JURISDICTION OVER THE SALE OF SAID PROPERTY, UNTIL DETERMINED OTHERWISE.
2. SECURED CREDITOR CARMEN CONFINO WILL BE KEPT CURRENT OUTSIDE OF PLAN THROUGH DECEMBER 31, 2009. ANY UNPAID BALANCE OF THIS DEBTO, SECURED WITH A SECOND MORTGAGE OVER THE OCEAN VIEW, LAJAS PR PROPERTY, WILL BE PAID FROM THE PROCEEDS REMAINING OF THE SALE OF SUCH PROPERTY, AFTER LIQUIDATING THE FIRST MORTGAGE TO BBVA (ACC. # XXX8629).
2. INSURANCE WILL BE PROVIDED THROUGH THE PLAN TO BBVA UPON MATURITY OF ITS AUTO LOAN AGREEMENT (ACC. # XXX9171, POC#10) . PREMIUM EXPENSE QUOTED BY TRIPLE S PROPERTY INSURANCE AT \$702.00.
3. EUROBANK'S UNEXPIRED LEASE OF THE 2005 NISSAN ALTIMA (ACC. NO. ENDING XXX9171) IS HEREBY ASSUMED. ANY PRE-PETITION ARREARS SHALL PROMPTLY BE CURED BY THE TRUSTEE THROUGH THE PLAN. ADEQUATE ASSURANCE OF FUTURE PERFORMANCE IS PROVIDED BY MAINTAINING THE CONTINUED MONTHLY PAYMENTS TO EUROLEASE, DIRECTLY BY DEBTORS, AS PER THE LEASE AGREEMENT.
4. PAYMENT OF BANCO POPULAR/POPULAR AUTO MOTOR VEHICLE LOAN (ACC. NO. ENDING XXX0001; POC #8) WILL BE MADE DIRECTLY TO CREDITOR BY SPOUSE'S DAUGHTER, WHO LIVES WITH DEBTORS. THERE ARE NO PRE-PETITION OR POST-PETITION ARREARS WITH THIS ACCOUNT. THE MOTOR VEHICLE IS KEPT AT DEBTORS' RESIDENCE. THE STAY IS HEREBY VOLUNTARILY LIFTED IN FAVOR OF BANCO POPULAR/POPULAR AUTO.
5. LONG TERM STUDENT LOAN OWED TO AMERICAN EDUCATION SERVICES (ACC. NO. ENDING XXX4541) WILL BE PAID DIRECTLY BY DEBTOR COMMENCING JANUARY 2010, AT THE REGULAR MONTHLY INSTALLMENTS OF \$205.10.